United Nations A/C.5/63/L.9

General Assembly

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22 December 2008

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Sixty-third session
Agenda item 118
Programme budget for the biennium 2008-2009

Draft resolution submitted by Antigua and Barbuda*

Development-related activities

The General Assembly,

Recalling paragraph 73 of its resolution 62/236 of 22 December 2007,

Recalling also its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987,

Recalling further its resolutions 52/12 B of 19 December 1997, 52/220 and 52/221 A of 22 December 1997, 52/235 of 26 June 1998, 53/220 A of 7 April 1999, 53/220 B of 8 June 1999, 54/15 of 29 October 1999, 56/237 of 24 December 2001 and 60/246 of 23 December 2005, section IV of its resolution 61/252 of 22 December 2006 and section VIII of its resolution 62/238 of 22 December 2007,

Reaffirming Article 55 of the Charter of the United Nations and the fundamental role of the United Nations in the promotion of international economic and social cooperation,

Reaffirming also the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations,

Having considered the reports of the Secretary-General on improving the effective and efficient delivery of the mandates of the development-related activities and the revised estimates relating to the programme budget for the biennium 2008-2009[1] and on the Development Account[2] as well as the related reports of the Advisory Committee on Administrative and Budgetary Questions,[3]

1. *Takes note* of the reports of the Secretary-General on improving the effective and efficient delivery of the mandates of the development-related activities

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] A/62/708.

[2] A/63/335.

[3] A/62/7/Add.40 and A/63/479.

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and the revised estimates relating to the programme budget for the biennium 2008-2009,[1] and on the Development Account;[2]

2. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

3. *Reaffirms* its commitment to take urgent and concrete action to address the special needs of and challenges faced by Africa, least developed countries, landlocked developing countries and small island developing States, decides, in this regard, not to abolish the post of the Special Adviser on Africa and one General Service (Other level) post, and requests the Secretary-General to fill these posts as a matter of urgency;

4. *Reiterates* its commitment to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable, takes note, in this regard, of paragraph 36 of the report of the Advisory Committee on Administrative and Budgetary Questions[4] and decides to approve the proposals of the Secretary-General for additional posts in the Office of the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women;

5. *Recognizes* the growing demand for the capacity-building activities and other technical cooperation services of the Committee on Economic Cooperation and Integration for the Member States, especially countries with economies in transition, and, in this regard, decides to establish one P-4 post under subprogramme 4, economic cooperation and integration, of section 19, Economic development in Europe, of the programme budget for the biennium 2008-2009;

6. *Takes note* of paragraphs 31, 32, and 39 of the report of the Advisory Committee on Administrative and Budgetary Questions,[4] and decides to establish, under section 9, Economic and social affairs, of the programme budget for the biennium, two P-5 posts and one P-4 post (general temporary assistance), under executive direction and management, one P-4 post, under subprogramme 1, Economic and Social Council support and coordination, and two P-4 and two P-3 posts, under subprogramme 5, Statistics;

7. *Requests* the Secretary-General to report on the implementation of the present resolution, as well as to continue to analyse the gaps in the capacity of the Secretariat to implement its mandates in the development field, and to submit a comprehensive report to the General Assembly at its sixty-fifth session on proposals to further strengthen the development-related activities of the Secretariat.

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[4] A/62/7/Add.40.

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Fifth Committee
Agenda item 125
United Nations common system

Draft resolution submitted by the Chairman following informal consultations

United Nations common system: report of the International Civil Service Commission

The General Assembly,

Recalling its resolutions 44/198 of 21 December 1989, 51/216 of 18 December 1996, 52/216 of 22 December 1997, 53/209 of 18 December 1998, 55/223 of 23 December 2000, 56/244 of 24 December 2001, 57/285 of 20 December 2002, 58/251 of 23 December 2003, 59/268 of 23 December 2004, 61/239 of 22 December 2006, and 62/227 and 62/238 of 22 December 2007,

Having considered the report of the International Civil Service Commission for the year 2008,[1]

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Reaffirming the statute of the Commission[2] and the central role of the Commission and the General Assembly in the regulation and coordination of the conditions of service of the United Nations common system,

1. *Takes note with appreciation* of the work of the International Civil Service Commission;

2. *Takes note* of the report of the Commission for the year 2008;[1]

3. *Reiterates its invitation* to the Secretary-General, in his capacity as Chairman of the United Nations System Chief Executives Board for Coordination, to urge the heads of the organizations of the United Nations common system to fully support the work of the Commission, in conformity with its statute,[2] by providing it with relevant information in a timely manner for studies that it conducts under its

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 30* (A/63/30).
[2] Resolution 3357 (XXIX), annex.

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statutory responsibilities for the common system, as well as by other possible means;

4. *Encourages* the Commission to continue to coordinate and regulate the conditions of service of staff of the common system organizations, bearing in mind the limitations imposed by Member States on their national civil services;

5. *Recalls* article 28 of the statute of the International Civil Service Commission;

A
Conditions of service for both categories of staff

1. Education grant

1. *Approves*, with effect from the school year in progress on 1 January 2009, the recommendations of the Commission in paragraph 62 of its report[1] and annex II thereto;

2. *Requests* the Commission to report on the methodological review of the education grant, for consideration at its sixty-fifth session;

2. Performance management

1. *Reiterates* the importance of developing mechanisms for better differentiating levels of performance;

2. *Requests* the Commission to work closely with organizations to identify workable means of rewarding performance;

3. *Welcomes* the work of the Commission in benchmarking innovative practices in the area of performance management, and encourages the Commission to keep performance management under review;

4. *Requests* the Commission to submit an updated performance management framework for its consideration;

B
Conditions of service of staff in the Professional and higher categories

1. Evolution of the margin

Recalling section I.B of its resolution 51/216 and the standing mandate from the General Assembly, in which the Commission is requested to continue its review of the relationship between the net remuneration of the United Nations staff in the Professional and higher categories in New York and that of the comparator civil service (the United States federal civil service) employees in comparable positions in Washington, D.C. (referred to as "the margin"),

1. *Notes* that the margin between net remuneration of the United Nations staff in grades P-1 to D-2 in New York and that of officials in comparable positions in the United States federal civil service in Washington, D.C., for the period from 1 January to 31 December 2008 is estimated at 114.7 and that the average margin level for the past five years (2004-2008) stands at 112.9;

2. *Reaffirms* that the range of 110 to 120 for the margin between the net remuneration of officials in the Professional and higher categories of the United

Nations in New York and officials in comparable positions in the comparator civil service should continue to apply, on the understanding that the margin would be maintained at a level around the desirable midpoint of 115 over a period of time;

2. Base/floor salary scale

Recalling its resolution 44/198, by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service (the United States federal civil service),

Approves, with effect from 1 January 2009, as recommended by the Commission in paragraph 79 of its report,[1] the revised base/floor scale of gross and net salaries for staff in the Professional and higher categories contained in annex IV to the report;

3. Children's and secondary dependant's allowances

Approves, with effect from 1 January 2009, as recommended by the Commission in paragraph 129 of its report,[1] the revised flat-rate allowance and the transitional measure referred thereto;

4. Mobility/hardship

1. *Recognizes* the hardship conditions under which staff members are often required to perform their official duties, and the personal disruption that operationally required mobility may impose on staff;

2. *Approves*, with effect from 1 January 2009, as recommended by the Commission in paragraph 94 of its report,[1] the revised level of the hardship, mobility and non-removal allowances;

3. *Welcomes* the intent of the Commission to review whether the mobility/hardship continues to fulfil the purposes for which it was established;

4. *Encourages* the Commission to further refine the mobility/hardship scheme in order to foster, in particular, the achievement of organizational objectives;

5. *Requests* the Commission to report on the outcome of its planned review of the mobility/hardship scheme at its sixty-fifth session for its consideration;

5. Gender balance/geographical balance

1. *Notes with disappointment* the insufficient progress made with regard to the representation of women in the organizations of the United Nations common system, and in particular their significant underrepresentation at senior levels;

2. *Notes* the decisions of the Commission contained in paragraph 109 of its report;[1]

3. *Invites* the Commission to continue to monitor future progress in achieving gender balance, including the aspect of regional representation if it deems appropriate, and to make recommendations on practical steps that should be taken to improve the representation of women in the organizations of the United Nations common system;

C

Conditions of service of staff in the General Service and other locally recruited categories

Review of the methodology for surveys of best prevailing conditions of employment at headquarters and non-headquarters duty stations

Notes paragraph 148 of the report of the Commission,[1] and requests the Commission to report on the methodological review at its sixty-fourth session,

D

Conditions of service in the field

1. **Effectiveness and impact of recruitment and retention measures at difficult duty stations**

1. *Welcomes* the decision of the Commission to undertake a global staff survey to complement the findings of its studies;

2. *Invites* the Commission to conduct similar staff surveys periodically in support of its work, as well as any follow-up surveys;

3. *Requests* the Commission to continue its consideration of issues related to recruitment and retention and to report thereon as appropriate;

2. **Hazard pay for internationally recruited staff**

Expresses its appreciation for staff who live and work under hazardous conditions in the service of the United Nations,

E

Strengthening of the international civil service

Reaffirming that the staff is an invaluable asset of the Organization, and commending its contribution to furthering the purposes and principles of the United Nations,

1. *Emphasizes* that the capacity of the Commission as a source of technical expertise and policy advice should be further strengthened;

2. *Stresses* that the work of the Commission shall be given the importance and attention it deserves by the governing bodies of the organizations of the common system;

3. *Requests* the Commission to closely monitor the developments in the organizations of the United Nations system in order to insure the effective regulation and coordination of the conditions of service in the United Nations common system;

4. *Notes* the decision of the Commission to keep the senior management network programme under review, and, bearing in mind paragraph 178 of its report,[1] requests the International Civil Service Commission to monitor the envisaged redesigning of the senior management programme and to report thereon to the General Assembly at its sixty-fourth session.

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Agenda item 118
Programme budget for the biennium 2008-2009

Draft resolution submitted by the Chairman of the Committee following informal consultations

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

The General Assembly,

Recalling section VIII of its resolution 53/214 of 18 December 1998, its resolutions 55/249 of 12 April 2001, 56/285 of 27 June 2002 and 57/289 of 20 December 2002, section III of its resolution 59/282 of 13 April 2005, paragraph 11 of its resolution 61/262 of 4 April 2007 and its decision 62/547 of 3 April 2008,

Recalling also Article 32 of the Statute of the International Court of Justice, as well as relevant General Assembly resolutions that govern the conditions of service and compensation for the members of the International Court of Justice and the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Having considered the report of the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

[1] A/62/538/Add.2.
[2] A/63/570.

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I

1. *Takes note* of the report of the Secretary-General;[1]

2. *Reaffirms* the principle that the conditions of service and compensation for non-Secretariat United Nations officials shall be separate and distinct from those for officials of the Secretariat;

3. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report;[2]

4. *Decides* that any decisions with regard to the pension scheme shall apply only to the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and shall not constitute a precedent for any other category of judges working within the United Nations system and that any decision regarding the service of any other category of judges shall be taken on a case-by-case basis;

5. *Requests* the Secretary-General to make the necessary revisions to article 1, paragraph 2, of the Pension Scheme Regulations for the members of the International Court of Justice and for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, accordingly;

6. *Also requests* the Secretary-General to report to the General Assembly on any additional expenditures resulting from the above decision in the context of the second performance report on the programme budget for the biennium 2008-2009 and the second performance reports of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium 2008-2009;

7. *Recalls* paragraph 11 of its resolution 61/262, in which it requested the Secretary-General to report on options for designing pension schemes, and notes that the Secretary-General has proposed essentially only one option and that, rather than seek the expertise available within the Organization, he has relied on the services of a consultant;

8. *Decides* that the emoluments, pensions, and other conditions of service for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda shall next be reviewed at its sixty-fifth session, including options for defined benefit and defined contribution pension schemes, and in this regard, requests the Secretary-General to ensure that, in that review, the expertise available within the United Nations is taken full advantage of;

II

Having considered the letter dated 6 March 2007 from the Secretary-General to the President of the General Assembly,[3]

1. *Takes note* of the letter dated 6 March 2007 from the Secretary-General to the President of the General Assembly;[3]

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[1] A/C.5/61/19.

2. *Notes* that the International Criminal Court is not a United Nations entity;

3. *Decides* to amend article 1.7 of the Pension Scheme Regulations for members of the International Court of Justice and article 1.5 of the Pension Scheme Regulations for judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to include a specific reference to the International Criminal Court so as to ensure that no former judge of any of these Courts receives a pension while also serving as a judge of the International Criminal Court;

4. *Notes*, in this regard, the issues of fairness and equality of treatment in respect of the above decision;

5. *Reaffirms* the provisions contained in its resolution 58/318 of 13 September 2004 and emphasizes that the decision contained in paragraph 3 above shall not create a precedent for other organizations outside of the United Nations in respect of the application of pension benefits of judges of the International Court of Justice, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

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Agenda items 130 and 131

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Draft resolution submitted by the Chairman following informal consultations

Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

The General Assembly,

Having considered the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,[1]

Having also considered the related chapter of the report of the International Civil Service Commission for the year 2007,[2]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

[1] A/62/681

[2] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 30 and corrigendum* (A/62/30 and Corr.1), chap. II

[3] A/62/734

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Recalling its resolution 61/274 of 29 June 2007 on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,

1. *Takes note* of the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions contained in the present resolution;

3. *Takes note* of paragraphs 14 and 15 of the report of the Advisory Committee;

4. *Recognizes* the critical importance of retaining highly-skilled and specialized staff in order to successfully complete all trial proceedings and to meet the targets set out in the respective completion strategies of the Tribunals in a timely manner;

5. *Requests* the Secretary-General to use the existing contractual frameworks to offer contracts to staff, in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules, in order to remove uncertainty with regard to future employment with the aim of ensuring that the Tribunals have the necessary capacity to complete their respective mandates effectively, as recommended by the International Civil Service Commission in paragraph 21 (b) of its report.[2]

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Fifth Committee

Agenda item 130

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Draft resolution submitted by the Chairman of the Committee following informal consultations

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely, his report on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008-2009,[2]

Having also considered the report of the Board of Auditors on the International Criminal Tribunal for Rwanda and the recommendations contained therein,[3]

[1] A/63/506.

[2] A/63/558.

[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5K* (A/63/5/Add.11), chap. II.

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Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which was resolution 62/229 of 22 December 2007,

1. *Takes note* of the report of the Secretary-General on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008-2009;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, of a total amount of 305,378,600 United States dollars gross (282,597,100 dollars net) for the biennium 2008-2009, as detailed in the annex to the present resolution;

4. *Also decides*, for the year 2009, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

5. *Further decides*, for the year 2009, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 4 and 5 above, their respective share in the Tax Equalization Fund in the amount of 12,809,200 dollars, including 2,891,900 dollars, being the increase in the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2008-2009.

[4] See A/63/595.

Annex

Financing for the biennium 2008-2009 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	Net
	(United States dollars)	
Initial appropriation for the biennium 2008-2009 (resolution 62/229)	267 356 200	247 466 600
Add:		
Revised estimates for the biennium 2008-2009 after recosting (A/63/506 and A/63/595)	30 190 700	28 182 500
First performance report for the biennium 2008-2009 (A/63/558)	7 831 700	6 948 000
Proposed revised appropriation for the biennium 2008-2009	305 378 600	282 597 100
Assessment for 2008	136 062 800	126 090 500
Balance to be assessed for 2009	169 315 800	156 506 600
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2009	84 657 900	78 253 300
Contributions assessed on Member States in accordance with the rates of assessment applicable to the peacekeeping operations of the United Nations for 2009	84 657 900	78 253 300